



## CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov) / Email: [General@ch.morgan-hill.ca.gov](mailto:General@ch.morgan-hill.ca.gov)

### PLANNING COMMISSION MINUTES

#### REGULAR MEETING

**MARCH 28, 2000**

**PRESENT:** Kennett, Lyle, McMahon, Mueller, Ridner

**ABSENT:** Sullivan

**LATE:** Pinion

**STAFF:** Planning Manager (PM) Rowe, Senior Planner (SP) Banks, Associate Engineer (AE) Creer, and Administrative Secretary Smith

#### REGULAR MEETING

Vice-Chairperson Kennett called the regular meeting to order at 7:00 p.m.

#### DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### PUBLIC COMMENTS

Vice-Chairperson Kennett opened the meeting to public comments.

There being none, the public comments were closed.

Chairman Pinion took his seat at the dias.

#### MINUTES:

**MARCH 14,  
2000**

**ON A MOTION BY COMMISSIONERS RIDNER/MUELLER, THE MINUTES OF THE MARCH 14, 2000 MEETING WERE APPROVED BY A VOTE OF 6-1, WITH SULLIVAN ABSENT, WITH THE FOLLOWING AMENDMENTS:**

- 1) Page 2, the vote was amended to read: "The motion carried 6-0, with Mueller absent.
- 2) Page 12, paragraph 2, sentence 1 corrected to read: "....the first trip ~~pointmap plan~~ for the urban reserve ~~in for~~ San Jose...."
- 3) Page 13, paragraph 2, sentence 2, corrected to read: ".....EIR totally ignores ~~s~~ the

Los Banos area and Merced Counties.

4) Page 14, paragraph 5, sentence 2, corrected to read: "....that it did not happen not just because it...."

**NEW BUSINESS:**

**1) ZA-99-10:  
COCHRANE-  
THARALDSON  
DEV. CO./  
UP-99-10:  
COCHRANE-  
BRODERSEN/  
CHEVRON**

Application to rezone the site from Highway Commercial to Planned Unit Development (PUD) to allow the development of a two hotels consisting of 90 rooms each, a gas station with a 3,200 sq. ft. convenience store and drive-through car wash, an 8,000 sq. ft. sit-down restaurant and a 6,300 sq. ft. sit down restaurant on an approximately 8.8 acre site. The proposal includes a use permit for the gas station, convenience store and car wash. SP Banks presented the staff report, and summarized Staff's issues associated with the project that required direction from the Planning Commission and the City Council. He also pointed out a letter to the Commission from the Department of Fish & Game in which they are requesting additional surveys on the site for the protection of burrowing owls. SP Banks stated that the Department of Fish and Game were correct in noting that the surveys for this project were completed slightly after the peak nesting season and that the mitigation within the Ojo de Agua Plan indicates that if the surveys occur after that time period, that mitigation would be required at a 1:1 ratio, which would require 8.8 acres versus the 4.4 acres proposed by this project. He continued by stating that Staff concurred with the Department of Fish and Game's suggestion that surveys for this proposed project be done in April to determine if there are actually any burrowing owls at the site. SP Banks stated Staff's recommendation to modify the burrowing owls mitigation 2, under condition 2 on page 24 of the standard conditions of approval to require the additional protocol-level surveys to occur in April, and if burrowing owls are found, then the mitigation would follow the acreage-ratio of 1:1, and if there are no burrowing owls found, then the mitigations contained in the conditions of approval would stand. SP Banks also indicated Staff's recommendation to the Commission to approve the Mitigated Negative Declaration with the requested modification, Resolution No. 00-11 (zoning change and precise plan), and Resolution No. 00-12 (use permit), and forward the approval recommendation to the City Council. He advised the Commission that David North, the preparer of the expanded initial study with David Powers and Associates, and Sue DeBorde, the preparer of the traffic study with Fehr and Peers Associates, were present and also available to answer questions.

SP Banks, PM Rowe and AE Creer responded to questions from the Commission. Commissioner Ridner, upon clarification by Staff, requested that the language of condition 6.a, "No franchise architecture shall be permitted.", indicated under the Other Conditions section of the standard conditions of approval, be changed to specifically reflect the actual intent of that guideline. Staff agreed to expand on the wording in order to clarify the intent.

Commissioner Mueller commented with regard to the water issues and mitigations for the gas station comments in the initial study in terms of meeting the federal and state standards indicating that he thought that considering the gas tank failures here in Morgan Hill in the last few years, that they probably should understand this aquifer that they are dealing with. He further stated that the aquifer is actually for the City of San Jose according to Staff

and that he felt that this information should be noted in the initial study, because if there is a problem, they should understand where the water is going.

Commissioner Mueller also commented that the water from the old gun club site will infact end up in the detention pond and that it will have a higher than normal lead contaminant, and he wanted to know if they needed to take any precaution there. SP Banks stated that there is remediation being done, a plan is in the process of being approved by the appropriate agencies, and that the detention pond is not going to be located on this site nor the former gun club site. He added that as part of the assessment district, the storm drain detention pond that is being constructed on the Gomes site by TBI would handle the storm water detention for this site, as well as for the former gun club site. Commissioner Mueller pointed out that none of that information is indicated in the initial study even though the lead study is. Commissioner Mueller then expressed concern regarding the trip distribution patterns in the traffic study. He said that the study indicates that 25% of the traffic for the entire project is going through the Cochrane and Butterfield intersection east to west; however, when you look at the traffic patterns for the gas station, it does not come from any particular direction, and only 10% of the traffic is coming from northbound Monterey, and 0% is coming from southbound Monterey.

Ms. DeBorde responded to Commissioner Mueller's concern regarding the trip distribution patterns by stating that what she was trying to show was that some of the traffic to and from the project site would be coming from the industrial area north of Cochrane. So the 25% would be representative of the people using the gas station that would actually be working in the area immediately adjacent to Cochrane Road. Commissioner Mueller further questioned Ms. DeBorde regarding the two-year old data referring to the freeway segment levels of service and whether provisions have been made for new data that might come out in a couple of months evidencing that the service levels are dramatically different. She stated that the data used was the most current information available and to be consistent with any other study, they used the CMP information. Ms. DeBorde also stated that they did not have any provisions established for the future levels of service. Commissioner Mueller pointed out that the comments regarding the 2004 traffic data assumes that a certain percentage of the traffic on Monterey Road will now go to Highway 101. He further indicated that the numbers assumed in the Monterey-Cochrane intersection are lower than what he would anticipate them to be because many of the people will now use Monterey instead of Santa Teresa. Ms. DeBorde stated that she would look into the matter further.

Commissioner Mueller stated that it appears to him that City Staff had given direction in the traffic study and that the numbers were altered to show that in the year 2025 that Highway 101 would be as wide as necessary and that no traffic will be diverted onto the City streets. He stated that he had a problem with that type of direction being given by Staff, and that he had a major issue with environmental studies and technical documents that have been altered in this fashion. He requested that this issue be discussed immediately after this project.

Chairman Pinion opened the public hearing.

Elaine Hansen, of EMC Planning Group and representative for the applicant, stated that they were essentially in agreement with Staff's recommendations for approval; however,

requested the following revisions to the conditions of approval presented by Staff:

1) Maximum building height of hotels: The applicant requested that the maximum height be kept at 48 ft. because directly north of the hotel is land that is designated as industrial, and it is their understanding that the maximum height for industrial land is 50 ft. Ms. Hansen stated that architecturally the style of the roof lines of these buildings are pretty distinctive and that the only way to go down to the 43 ft. height would be to have a flat roof. Another point made by Ms. Hansen was that they have provided ample landscaping on that side of the hotel; 2) The 30 ft. landscaping buffer recommended to be provided around the periphery of the site abutting Cochrane Road, Street A and Highway 101: Ms. Hansen stated that they understand that Cochrane Road makes good sense in terms of providing that buffer because there is land across the street designated commercial. However, she presented the argument that the east periphery of the site that abuts Highway 101, and the highway, if it is considered as a large land use feature, does not really meet the criteria that the PUD landscape buffer requirements suggest. She noted that the requirements suggest that the 30 ft. landscape buffer is applicable when adjacent to or visually related to commercial, professional or residential use, so they feel that their project would not apply under that condition because it is next to the highway. Ms. Hansen also indicated that beyond the property line there is a 65 to 70 ft. Caltrans right-of-way, and beyond that there is southbound Highway 101, and again, that there is ample landscaping provided around that side of the building; 3) Street A landscape buffer: Ms. Hansen requested similar kind of landscaping consideration of the Commission. Additionally, she said that because there currently is not an approved project across from Street A and that the land use is currently vacant industrial land, again the requirement does not seem to apply under this condition. Ms. Hansen also indicated that with respect to the landscape definition, that there is no definition from which that 30 ft. is measured. She stated that the purpose of the buffer would be to provide a sense of landscape and open space, so what they tried to do is establish a retaining wall next to the car wash driveway and place a berm with shrubs and perennial planting on top of it; 4) The requirement of a 20 ft. wide emergency access road around the east side of the Residence Inn: It was requested that the language be amended to also include "or provide Fire District standard turnaround at the east end of the Residence Inn." Ms. Hansen indicated that Deputy Fire Marshal Wayne Hokansen was in concurrence with the suggested amendment and that he felt that it would be an acceptable alternative to providing full access around the hotel; and 5) Location of future restaurant pads adjacent to Cochrane Road: Ms. Hansen stated that they did not think Staff's recommendation was an appropriate alternative for this site because it moves the two major uses further away from each other, that it is where most of the pedestrian traffic will be generated on this site, and that it creates a potential safety hazard for future restaurant customers. She commented that the applicant was advised by Staff that moving at least one of the buildings towards Cochrane would be acceptable and that they had met that by pulling the foodmart for the Chevron gas station to the corner. Ms. Hansen indicated that they felt that the future restaurant pads did not seem appropriate right up next to Cochrane, and requested that the condition be amended to read: "Locate the future restaurant pads as shown on the project application plan". She then answered questions directed from the Commission.

Glenn Ritter, Civil Engineer for the project, inquired why the Police Department is still requiring the 10 to 15 ft. emergency access drive around the Residence Inn, and what the public safety concerns are. He stated that they feel that they have provided visibility to the building from the turnaround, as well as from the parking stall south of the building. Chairman Pinion indicated that he would request Staff to address Mr. Ritter's inquiries after the public hearing is closed.

Roger Swahn, Vice President of Tharaldson Development Co., who are the builders, owners and operators of the hotels, stated that he was also available to answer any questions that the Commission may have.

John Brodersen, Owner of the proposed Chevron project and owner of the Chevron located at Monterey and Vineyard, addressed questions raised by the Commission regarding the height of the Chevron gas stations and the size of the convenience stores at the proposed project site and the Vineyard and Dunne Avenue locations. He also provided clarification regarding the franchise architecture.

Roger Swahn addressed the Commission again and reviewed depictions of some of their other existing hotel projects. SP Banks noted that the applicant has worked with Staff extensively on the design of the two hotels and with the Chevron gas station to accommodate issues raised by Staff, and that he thinks they have done a good job in avoiding the franchise architectural look. He explained that the issue with the franchise architecture is that there are two pads and at this time it is unknown what those restaurants will be. SP Banks stated that if criteria was added, if a future restaurant would come in with their standard corporate look, Staff would have that criteria available to work with them in modifying the architecture to be more compatible with the buildings within the PUD. Commissioner Lyle asked Mr. Swahn if he would have a problem with it being specifically stated in the conditions of approval that the use there would be restaurants only and not retail? Mr. Swahn stated that they did not have a problem with that wording being added to the conditions. SP Banks then recommended that the conditions of the PUD that stipulates the permitted uses be specifically modified to indicate that restaurants only be allowed there. Mr. Swahn and AE Creer answered additional questions from the Commission.

Mr. Swahn pointed out that if they were to move the restaurant pads forward half way, that he felt that they would avoid the "sea of parking" better than if they moved the buildings all the way to the front of Cochrane Road, because once you enter from Street A and you turn right, you create another "sea of parking". Commissioner Lyle suggested moving the building on the left forward toward the line of landscaping, which would reduce the parking at the front of the site and also help screen the gas station.

Chairman Pinion closed the public comments.

SP Banks clarified Mr. Ritter's question as to why the Police Department want access around the building. He said that when they do their patrol that they may want to go around the side of the building as opposed to driving up the access road and having to back out and turn around. Commissioner Lyle stated that the police also probably would prefer not to have to get out of their car. PM Rowe added that due to the limited police

patrol that the City have, they probably do not want to have to cover the same real estate twice. Commissioner Mueller suggested that the Commission revisit that end corner of the site. He felt that a possible solution to the problem, rather than putting in a turnaround hammerhead, would be to allow cross access to the two parking structures and allow the Police Department to go down the north side of the building and turn, and then go into the Media Arts parking area. He said that this way they could patrol behind the building and then exit. He added that a quick connection like this would also allow emergency vehicles to service both of the projects. He requested that the option be left open as a possible solution of this issue.

The following comments were made by the Commission during discussion:

1) Maximum Building Height: Commissioner Kennett said she was torn on this issue, as she does not like to see variances in the City height limitations because it gets us more and more into the big city appeal and further away from our small town country appeal which they are trying very hard to maintain. She continued by stating that if the building was residential, you could reduce the roof pitch a foot or two in height and no one would notice. However, she was not sure if it would be practical or if it would even be possible with this project since the architecture is dictated by a large corporation and that she was not sure of what the corporate politics would be in this regard. In response to Chairman Pinion's question, PM Rowe stated that the height variance could be within the qualifications of an administrative variance request. Commissioner McMahon commented that when comparing height limitation for the other hotels that are already in existence, i.e., The Inn At Morgan Hill and some of the more recently constructed hotels which were held more closely to the height limit, she felt what was gained by keeping in line with the height limitation, was lost in architectural interest. She said that she prefers The Inn At Morgan Hill, which has a similar type roof as the proposed project, so she would not have any objection to allowing the 48 ft. maximum building height. Commissioner Mueller indicated that based on where the buildings are located and since there is a lot more architectural detail, that he was willing to be a little more flexible with this project if the height could be held to 45 ft. without causing any big issues. Commissioner Lyle said that he prefers the height to be lower, but would be willing to go with 45 ft. Chairman Pinion stated that given the fact that the Commission was acceptant to the 50 ft. height just north of this project and that lowering the roof line may have some other adverse effect on how the project turns out, that he also feels that the height proposed by the applicant is okay.

2) Landscaping: Commissioner Ridner stated that he would be a lot more amenable to allowing the applicant's request regarding the landscaping variance if the developer is prepared to make some type of an affirmative commitment to do something from a maintenance and/or landscaping standpoint in the Caltrans right-of-way. He further stated that the amount of variance requested for the Street A area is relatively imperceptible and that it concerned him a lot less than the potential setback issue associated with the Residence Inn along Hwy 101. Commissioner Kennett indicated that she agreed with Commissioner Ridner's comments with reference to Hwy 101, and that she would be okay with the Caltrans right-of-way, but she would like to see it landscaped to some extent. She said that she was still concerned with Street A and Cochrane Road, and that she would like to hold to the 30 ft. landscape buffer requirement along those two streets.

Commissioner Mueller said that he felt that they could get reasonable landscaping fairly close to the property line. He also stated that his only fear in making that statement is his doubt as to whether they will really be able to talk Caltrans into letting them do on that right-of-way area.

Commissioner McMahon said that in her mind what she sees is a chain link fence that divides the Caltrans right-of-way and the property in question, and a building footprint that comes up so close to the property line that, for all intent and purposes, you cannot get a 30 ft. landscape buffer there. She further commented that she thinks that the solution to the problem is, if possible and if feasible, and if we have got the cooperation of the developer and Caltrans, that the landscape buffer of 30 ft. can be continued on both sides of the chain link fence in a continuous landscape plan that will visually, from the freeway, be the landscaping part of the berm up to the site of the hotel, which would then not require the developer to move the pad for the hotel. In that way, the City would get the 30 ft. of landscaping that we want and the developer will be able to keep the same plan. She stated that she is not as willing to compromise on the 30 ft. landscaping for Street A and Cochrane Road, but that she is looking for alternative solutions to somehow maintain the 30 ft. of landscaping. Commissioner Lyle indicated that he was okay with Hwy 101, but as part of the compromise of giving up some of the landscaping, that he would like to see it bermed to help screen the cars. He also stated that he was not willing to compromise on the 30 ft. buffer requirement for Street A and Cochrane Road. Commissioner Mueller commented that he was concerned with the area around the gas station and that he really wanted to see that area bermed and landscaped appropriately. Chairman Pinion felt that there is justification along the freeway off-ramp to relax the standards and make it up in the Caltrans right-of-way, but that he saw no reason to relax the standards on Street A and Cochrane Road.

3) Pads for the restaurants: Commissioner Lyle said that he would like to move one of the buildings forward as he mentioned earlier. Commissioner Mueller stated that he thought that moving one building forward would improve the appearance of the site, but that he was not sure that just moving it up to the point noted by Commissioner Lyle actually takes care of the issue. He felt it could be moved all the way up to Cochrane Road. Commissioner Lyle stated that his concern with moving the building all the way up to Cochrane Road is that ultimately Cochrane Road is going to have to be widened. Commissioner Mueller continued by saying that he felt that if the restaurant on the left side was moved as far forward to Cochrane as possible and the parking is moved to the Center, that it would not only give you more building to the front of the site, but also when you are coming west on Cochrane you would see a well-designed restaurant and landscaping, which he felt would be more pleasing than looking at gas pumps. Commissioner McMahon said that she did not want the restaurant pulled all the way forward to Cochrane Road because she did not feel that the "sea of cars" in the middle of the site would be attractive. Chairman Pinion agreed with Commissioner McMahon and also indicated that he was concerned with the visibility from the off-ramp. Commissioner Kennett also agreed with pulling the one restaurant forward. Commissioner Ridner stated that he agreed with pulling the restaurant forward, but expressed concern with the 3,200 sq. ft. convenience store being located right on the corner and at the entry of the PUD, and questioned whether that was the appropriate statement to make for this particular project. Chairman Pinion felt it depended on the architecture of the building. PM Rowe stated that

one of the comments that Staff had made, which will be addressed in the site and architectural review, is that more will be need to be done with the elevation, as Staff considers it as the "public side" at Cochrane Road and Highway 101. In terms that a restaurant pad might be a better statement at the corner, PM Rowe indicated that the applicant felt that putting the gas station there was critical to the success of the site design, so the choices for the corner would be the pump islands, car wash or the convenience store, and Staff felt that the location of the market building was the best of the choices to have as a corner statement. Staff also believes that the building, especially the interior elevation, is very nice and would like to see a similar level of detail, and that perhaps the tower elements can be more focused on a corner in order to prevent a flat roof facade visible on the street side. Commissioner Kennett requested that the building have some articulation rather than just flat and blank walls.

Commissioner Ridner stated that he would leave it to Staff to try and create the appropriate level of architecture there that would be consistent with what the Commission tried to achieve with the Walgreen project. He continued by stating that the back of the building is actually facing Cochrane and Street A, and that he is not sure whether it is easy to achieve an architectural presentation that looks really good there. Commissioner Mueller agreed that Commissioner Ridner was raising a valid point, because the back of the building's architecture detail is of major visual importance to the main entrance to the entire business park. He suggested that the Commission give direction to Staff to ensure that the back of the building should not look like the back of a convenience store.

Commissioner Mueller suggested, because of the PUD requirement, that findings be established in terms of why the Commission is allowing the variance in the landscape buffer along Highway 101. Commissioner Lyle stated that the reason why the Commission is allowing this variance is because of the extra width afforded by there being an off-ramp in that area. SP Banks pointed out that a variance would need to come back before the Commission after the PUD is approved to incorporate the findings. He also noted that Staff have already made some recommendations in the standard conditions on page 26, under Item #6.b, c, and d, to amend the PUD guidelines to include the elevation comments and requests made by Commissioner Kennett.

Chairman Pinion reopened the public comments.

Mr. Swahn was asked to further expound on their request for revisions to the building heights. He indicated that there are only a couple of places on the Courtyard Inn and one place on the Residence Inn that are 48 ft. in height. Mr. Swahn summarized that the main height of the Courtyard is 48 ft. at the top elevations and then the remaining height is 45 ft. or slightly less; and that the Residence Inn is 45 ft. in one location and its remaining height is approximately 41 or 42 ft. in height, which is the closest side to the freeway.

Chairman Pinion closed the public hearing.

Commissioner Mueller stated that there are other things that he thinks is more important than the height issue, and that he could concede a little on the height issue, especially since they are not talking about a uniform line for the buildings, and if they can get the landscaping improvements, the architectural detail around the convenience store and move



the restaurant forward.

The general consensus of the Commission was to allow the revisions to the height of the buildings as proposed by the applicant. The consensus of the Commission with respect to the landscaping proposals by the applicant was to allow the encroachment onto the 30 ft. landscape buffer along Hwy 101, but not on Cochrane Road or Street A.

COMMISSIONERS RIDNER/MUELLER MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION, AND FORWARD IT TO CITY COUNCIL FOR APPROVAL WITH THE AMENDMENTS AS NOTED BY COMMISSIONER RIDNER: AMEND THE PROPERTY DESCRIPTION TO READ: "...TWO HOTELS CONSISTING OF 90 **ROOMS** EACH, **AN 18-PUMP A GAS STATION WITH 9 FUELING LOCATIONS** WITH A **3,200 SQ. FT.** CONVENIENCE STORE AND ....". THE MOTION CARRIED BY A VOTE OF 6-0, WITH SULLIVAN ABSENT.

COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE RESOLUTION NO. 00-11, AND FORWARD TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL, WITH THE FOLLOWING AMENDMENTS: 1) SECTION 4, SENTENCE 10 SHALL BE AMENDED TO READ: ".....PLAN SHALL **REQUIRE** AN AMENDMENT....."; 2) ITEM 5.C., ADD THE WORDS "**DRIVE-THROUGH**" IN FRONT OF THE WORDS "CAR WASH", AND AMEND THE OTHER PERTINENT LANGUAGE SO THAT IT IS CONSISTENT WITH THE OTHER AMENDMENTS MADE TO THE MITIGATED NEGATIVE DECLARATION; AND MAKE THE FOLLOWING CHANGES UNDER THE "OTHER CONDITIONS" OF THE STANDARD CONDITIONS OF APPROVAL: 1) ON PAGE 24, AMEND MITIGATION 2 FOR THE BURROWING OWLS REGARDING THE PROTOCOL-LEVEL SURVEYS THAT WILL BE CONDUCTED AFTER APRIL 15, 2000; 2) ON PAGE 25 CHANGE THE BUILDING HEIGHT IN ITEM Y.1 TO READ: ".....HEIGHT OF THE HOTELS SHALL BE ~~43 FEET.~~ **AND THE GAS STATION FACILITIES SHALL BE AS SHOWN ON THE BUILDING PLANS DATED MARCH 8, 2000.**"; 3) ON PAGE 25, MODIFY CONDITION Y.2 TO READ: "...SITE ABUTTING COCHRANE ROAD, AND STREET A, ~~AND HIGHWAY 101~~ **AND SUPPORTING A VARIANCE ALONG THAT PORTION OF HIGHWAY 101 THAT DOES NOT PROVIDE THE 30 FT. SETBACK AT THIS TIME. THE APPLICANT SHALL WORK WITH CALTRANS TO PROVIDE 15 FT. OF LANDSCAPING IN THE CALTRANS RIGHT-OF-WAY TO PROVIDE THE TOTAL 30 FT. LANDSCAPING BUFFER.**"; 4) ON PAGE 26 REPLACE ITEM 3 WITH THE FOLLOWING CONDITION: "**THE APPLICANT SHALL PROVIDE A CONNECTION BETWEEN THE NORTHEAST PORTION OF THE PROJECT SITE TO THE PROJECT SITE TO THE NORTH.**"; 5) ON PAGE 26, ITEM 6.A AMEND THE LANGUAGE TO REFLECT THE ACTUAL INTENT OF THE GUIDELINE WITH RESPECT TO FRANCHISE ARCHITECTURE; AND 6) ON PAGE 27 ADD A CONDITION 17 TO READ: "**REQUIRE BERMING ALONG THE PERIPHERY OF THE SITE AT HIGHWAY 101, COCHRANE ROAD AND STREET A FRONTAGES.**" THE MOTION CARRIED BY A VOTE OF 6-0, WITH SULLIVAN ABSENT.

The Commission agreed with SP Bank's suggestion that Staff talk to the Police Department with regard to the replacement of Item 3 on page 26 of the standard conditions of approval with condition amendment #4 above. It was felt that when this item goes to the City Council, if the Police Department does not feel that the replacement condition addresses their concerns and they still would like that access clearance around the building, then they can request the change at that point in time.

**COMMISSIONERS MUELLER/MCMAHON MOTIONED TO APPROVE RESOLUTION NO. 00-12, WITH AMENDMENTS TO SECTION 3.B TO ADD THE WORDS "DRIVE-THROUGH" IN FRONT OF THE WORDS "CAR WASH", AND AMEND THE OTHER PERTINENT LANGUAGE SO THAT IT IS CONSISTENT WITH THE OTHER AMENDMENTS MADE TO THE MITIGATED NEGATIVE DECLARATION AND RESOLUTION NO. 00-11. THE MOTION CARRIED BY A VOTE OF 6-0, WITH SULLIVAN ABSENT.**

Commissioner Mueller commented on the issue regarding the following statement in the initial study: "At the direction of City Staff, adjustments were made to Year 2025 projections to reflect a condition where adequate capacity would be provided on US 101 and no regional traffic would be diverted to City streets." He reiterated that he finds it unacceptable that City Staff directed the numbers to be changed in the traffic analysis to reflect a non-congested condition at year 2025. He also said that he is not aware of any policy in this City that suggests that we will be using that approach to traffic mitigation. Commissioner Mueller continued by stating that he would like to know how many documents have had this done, because he does not think that it is acceptable document preparation for the Commission. He requested that the information indicating the number of times that has been done on recent environmental reports transmitted back to the Public Works document. SP Banks responded that there has been two documents prepared. One for this project, and the other one for the Business Park. He added that this issue is going to be addressed through the general plan update, where the Commission and the City Council will have the opportunity to comment and provide direction on how that will be done in the future. Commissioner Mueller further stated that he felt that it is a policy direction that the Commission and/or the City Council should set, and that he did not feel that direction should be coming from a City Department. He concluded by stating that they are getting inaccurate information, and that they have certified an EIR for a very major project that had altered numbers that they were not aware of, and that he felt that they should ask that it be stopped. SP Banks stated that Staff could communicate Commissioner Mueller's comments to the Public Works Director, and added that he wanted to make it clear that it does not change project-related mitigations.

**2) USE  
DETERMINATION:  
WHICH NATION:  
WOODVIEW-  
MEDICAL  
PARTNERS  
OF M.H.**

A use determination on whether a medical office use may be conditionally allowed in the the ML, Light Industrial zoning district. PM Rowe presented the staff report, after he answered several questions from the Commission regarding the request.

Chairman Pinion opened the public hearing.

Dr. Rodney Wong, partner with the medical group, requested the Commission to allow a conditional use permit for medical offices at 355 Woodview Street, Suite 100 in the

Sutter Industrial Park. He stated that minimal modifications would need to be done to the existing structure, and the usage would be populated by consultants and, basically, patients that would not be all that different than the clients using a standard business office. Dr. Wong stated that their plan is to sign a 2-1/2 year lease on the building, pending approval from the Commission, but that they will be looking for something more spacious for a permanent location. He responded to questions from the Commission.

Brad Krouskup, Toeniskoetter & Breeding, stated that he thought it seemed like medical use could be added as an allowable conditional use in a light industrial zoning district, because the various use requests would have to come before the Commission on a case-by-case basis and that there is an absence of suitable locations for this kind of a use. He added that the Commission also might want to consider medical use because, certainly, suitability of each individual physical structure also comes into play.

Chairman Pinion closed the public hearing to further comments.

Commission Discussion ensued. Commissioner Mueller stated that, considering the current situation we are in within the City with regard to the St. Louise Medical Center, he did not have a problem with the request on a use permit basis. Commissioner Kennett also agreed with permitting the use and asked if there could be a time limit placed on the use. PM Rowe stated that the Commission could condition the use permit to specify a renewal or extension after a three-year period. Commissioner Lyle concurred with Commissioner Kennett's request. Chairman Pinion also suggested that a requirement be placed on the conditional use permit that would ensure that it be returned before the Commission if there is any intensification of the use, such as a change in the type of medical care being given.

**THE CONSENSUS OF THE COMMISSION WAS THAT STAFF ADVISE THE APPLICANT TO FILE APPLICATION FOR A CONDITIONAL USE PERMIT.**

Commissioner Mueller requested Staff to expedite the processing of the request due to the time constraints on the applicant. PM Rowe indicated that Staff will make every effort to accommodate the request as soon as possible and noted that if necessary, Staff can use the temporary use permit to give the applicant immediate occupancy, and then process the conditional use permit.

### **OTHER BUSINESS:**

#### **3) REVIEW OF PROCEDURES FOR CONDUCTING PLANNING COMMISSION MEETINGS**

PM Rowe commented that he wanted to bring this item back before the Commission for further review for two reasons. One was for final review of the revised changes to the procedures that the Commission adopted in October of 1999; and secondly, because some of the previous meetings have run quite long, he wanted to recommend that they apply the revised procedures to the extent possible. SP Rowe reviewed several of the procedures that he felt would assist in moving the meetings along in a more timely manner, such as placing limits on the amount of time allowed for presentations; for the Commission to consider to try to formulate a motion for discussion versus the roundtable consensus approach, as it seems to take a fair amount of time; keeping breaks to the specified amount

of time; and keeping the public comments to a minimum.

Chairman Pinion added that it would help to keep the Staff presentations and responses also at a minimum, and that the Commissioners not go into discussion during the Staff questioning period.

Commissioner McMahon suggested that no item should be given more than one hour for discussion. She continued by stating that if the item goes beyond an hour and the Chairperson feels that it needs to go beyond an hour, then that agenda item can be given special dispensation. Commissioner McMahon further stated that she thinks that parameters need to be set prior to addressing the agenda items, just like there are parameters set for discussion to be five minutes. She noted that the Commission should also be limited to five minutes unless a particular issue needs to be clarified.

Chairman Pinion stated that he agreed that they should attempt to keep the discussions as short as possible, but that some of the issues before them are very important to the City and cannot arbitrarily be limited like Commissioner McMahon suggested. Commissioner McMahon stated that she agreed with him on that point and that she felt that the Chair should be given all the latitude to make that decision. However, she continued by saying that she thinks that it is a mistake to say that they need to keep the items as short as they possibly can and not give any kind of guidelines of what "as short as they possibly can" actually means. Commissioner Ridner pointed out procedure #2 which recommends that at the start of each meeting that the Commissioners identify the most important agenda items to complete that evening and budget time accordingly so that the meeting may end at a desired time.

Commissioner Mueller commented that the City of Sunnyvale has addressed this issue by having study sessions between Staff and the Commission to talk about concerns and issues of a given project prior to the discussion meeting. He suggested that Staff contact the Sunnyvale Staff for additional information on how they conduct their study sessions.

Commissioner Kennett commented that she felt it very helpful having the major issues identified and written down so that the Commission can keep the discussion focused on those issues.

Chairman Pinion commented that when there is an item on the agenda that is apparent from the onset that it is going to be a long item, then he can endeavor to break the item into sections and allow a specified amount of time for the Staff presentation, the public hearing, and the discussion, instead of just setting one hour as an overall time limit. He also requested Staff to advise him in advance if they are aware that an item on the agenda will be a controversial one.

Commissioner McMahon also suggested that when the Commission enters into discussion following the close of the public hearing that the Chair allow the Commissioners to comment once. She indicated that some of the comments that are brought up strike thoughts and comments from someone that has already talked, and they end up going around the table two to four times, and they are taking advantage of the time that they are accusing the public of using. Commissioner McMahon further commented that she felt

that the Commissioners are mismanaging their time because the Chair is too lenient with them. Chairman Pinion concurred with Commissioner McMahon's comment regarding his leniency with the Commission during the discussion period and agreed to be more strict in the future.

**4) PLANNERS  
INSTITUTE**

Each of the Commissioners provided comments regarding the sessions of interest that they attended at the Planners Institute. The Commission requested Staff to schedule a joint meeting with the San Jose Planning Commission, which stemmed from comments offered by Commissioner Lyle in which he indicated that a member of the San Jose Planning Commission suggested that the two Commissions schedule several meetings a year together to discuss mutual problems so that they will have a better understanding of each others problems.

**ANNOUNCEMENTS**

**CITY COUNCIL REPORTS**

**ADJOURNMENT** There being no further business, Chairman Pinion adjourned the meeting at 10:36 p.m.

**MINUTES RECORDED AND PREPARED BY:**

---

**FRANCES O. SMITH, Administrative Secretary**

